ther prosecuting the action, until the determination of the present war between Germany and the United States, on the ground that the plaintiff was an alien enemy. *Held,* that the motion should be denied because the corporate body is a distinct entity from the alien owners of its stock, and consequently, though of foreign ownership, it is not to be precluded from access to our courts during the period of the war. *Fritz Schulz, Jr. Co.* v. *Raimes & Co.,* 166 N. Y. Supp. 567.

It has become a settled doctrine of corporation law that a corporation, for the purposes for which it may be considered a citizen, resident, or inhabitant (and one of those purposes is to sue and be sued in the courts) is a citizen, resident, or inhabitant of the country or state by or under whose laws it was created or organized, and it can make no difference whatever, in the application of this doctrine, that the members or stockholders are citizens and residents of some other country or state than that to whose laws the corporation owes its existence. See: *Louisville R. R. Co.* v. *Letson,* 2 How. 497; *Marshall* v. *B. & O. R. R. Co.,* 16 How. 314; *St. Louis & San Francisco Ry. Co.* v. *James,* 161 U. S. 545; *Queen* v. *Arnaud,* 16 Law J. Q. B. 50. The court, in the principal case, in reaching the decision that it did, merely confirmed the established doctrine of the law that a corporation is an entity separate and apart from its corporators, and its domicile is as a matter of law within the state of its creation, and the domicile or character of its corporators does not affect the domicile or character of the corporation. The result reached by the New York Supreme Court is, however, in conflict with the result reached by the English House of Lords in the case of *Daimler Co.* v. *Continental Tyre and Rubber Co.,* (1916), 2 A. C. 307, where it was held, on facts practically identical with those in the principal case, that the corporation would be denied the right to appeal to the courts, overruling the decision of the Court of Appeal (1915), (1 K. B. 893) and reaching a conclusion different from that reached in the case of *Amorduct Mfg. Co.* v. *Defries & Co.,* 31 T. L. R. 69, which decisions are in accord with the finding and reasoning in the instant case. But it does not follow that the result of the decision of the House of Lords is to overthrow what has been stated as an established doctrine. That decision is not based on any argument that that doctrine is unsound, but it is based upon the fact that the Lords were convinced that the Continental Tyre and Rubber Co. was in fact adhering to, taking instructions from, or acting under the control of, enemies *in the enemy country,* so as to impose an enemy character on the company itself, and thus prevent it from appealing to the courts. In the principal case, the court came to the conclusion that the Fritz Schulz Co. was in the control of residents of this country, and therefore did not feel constrained to impose an enemy character upon it, and deprive it of its right to appeal to the courts. See also *Speidel* v. *Barstow Co.,* 243 Fed. 621. It may be pertinent to observe that the city of New York has never been bombed by Zeppelins.

COVENANTS—RESTRICTIONS—USE FOR RESIDENCE PURPOSES ONLY.—Covenant restricting the use of premises "for residence purposes only." *Held,*

not violated by occupancy of residence property by twelve or fifteen members of a Catholic Sisterhood who held religious services daily with the assistance of a priest in a small private chapel fitted with an altar. *Hunter Tract Improvement Co. et al.* v. *Corporation of Catholic Bishop of Nisqually, et al.*, (Wash., 1917), 167 Pac. 100.

The court said that the name given to the house itself was immaterial as the restriction is not against names but purposes. *Smith* v. *Water Works Co.*, 104 Ala. 315. *Scott Co. et al.* v. *Roman Catholic Archbishop for Diocese of Oregon*, 83 Oregon 97, 163 Pac. 88, held in accord with the principal case that a building occupied by nuns might be fairly termed a residence or dwelling, and if the other conditions are complied with, it makes no difference how large the dwelling is or how many people occupy it. The word *residence* is equivalent to residential and is used in contradistinction to business. *Hunt* v. *Held*, 90 Ohio St. 280, Am. Ann. Cas. 1916 C, 1051. Generally a covenant that property shall be used "for residence purposes only" is held not to prohibit its use as an apartment house or flat. *McMurtry* v. *Phillips Investment Co.*, 103 Ky. 308, 40 L. R. A. 489; *Tillotson* v. *Gregory*, 151 Mich., 128, 114 N. W. 1025; *Re Robertson & Defoe*, 25 Ont. L. Rep. 286, 30 Ont. W. N. 31. In *McMurtry* v. *Phillips, supra*, a covenant to use property for residence purposes only was not violated by erection of an apartment house for several families separate from each other in a general way but with a large dining room in the basement to be used in common by all tenants when they so desired, a common laundry room, and a common store room. But in *Burton* v. *Stapeley*, 4 Ohio N. P. N. S. 65, the court interpreted *residence* to mean *private dwelling*. The judgment of the court was affirmed in 74 Oh. St. 461, 78 N. E. 1120. This however is contrary to the generally accepted view and was disapproved by the Ohio Supreme Court later in *Hunt* v. *Held*, 90 Ohio St. 280, Am. Ann. Cas. 1916 C, 1051.

DEATH—ACTION UNDER SURVIVAL ACT—NEGLIGENCE OF BENEFICIARY AS A DEFENSE—NEGLIGENCE OF BENEFICIARY'S HUSBAND AS A DEFENSE.—Deceased's father obtained employment for him with defendant by fraudulently misrepresenting his age as seventeen instead of sixteen. The father, as personal representative, seeks to recover for himself and wife under the federal RAILROAD EMPLOYERS' LIABILITY ACT of April 22, 1908 and its amendment of April 5, 1910 on the death of his son caused by injuries sustained while in defendant's employ. *Held*, that the negligence of the father prevented recovery for either parent. *Crevelli* v. *Chicago, M. & St. P. Ry. Co.*, (Wash. 1917), 167 Pac. 66.

The negligent beneficiary is easily seen beneath the thin disguise of the personal representative required by the statute to sue, *Penny* v. *New Orleans, etc., R. Co.* (1914), 135 La. 962, 66 So. 313; and the rule in regard to contributory negligence gives the result reached without more reasoning. TIFFANY, DEATH BY WRONGFUL ACT, 2d Ed., Sec. 71; J. H. WIGMORE, 2 Ill. L. Rev. 487. A distinction, however, was made between the statutes giving the benefit of the recovery to the deceased's estate, *Love* v. *Detroit, etc. Ry. Co.*, 170 Mich. 1, 135 N. W. 963, and those naming beneficiaries. This distinction